I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”) which owns a direct or indirect equity interest greater than 50% in a hospital; and (2) any hospital facility in which an Affiliate either manages or controls the day-to-day operations of the facility (each, a “Tenet Hospital”) (collectively, “Tenet”).

II. PURPOSE:

The purpose of this policy is to ensure that Non-Physician Practitioners are Engaged to provide services at a Tenet Hospital for the purpose of enhancing the quality and efficiency of patient care, without providing an inappropriate benefit to Physicians who are responsible for the provision of medical services to the Tenet Hospital’s patients.

III. DEFINITIONS:

A. “Emergency Medical Condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in (1) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part, or (2) with respect to a pregnant woman who is having contractions that there is inadequate time to effect a safe transfer to another hospital before delivery, or that the transfer may pose a threat to the health or safety of the woman or her unborn child.

B. “Engage” means to employ or to enter into an employee lease or a professional services arrangement.

C. “Hospital” means an institution which is primarily engaged in providing, by or under the supervision of Physicians, to inpatients, diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons; or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

D. “Hospital Services” means services offered by a Hospital, including bed and board; nursing services and other related services; use of hospital facilities; medical social services; drugs, biologicals, supplies, appliances, and equipment; certain other diagnostic or therapeutic services. Hospital Services do not include Physician services or the services of a physician assistant or Non-Physician Practitioner.

E. “Physician” means a duly licensed and authorized doctor of medicine or osteopathy, doctor of dental surgery or dental medicine, doctor of podiatric medicine, doctor of optometry or chiropractor.
F. “Non-Physician Practitioner” or “NPP” means advanced practice registered nurses and physician assistants operating within the scope of their respective licenses.

G. “NPP Professional Services” means services that (1) are the type that are considered physician’s services if furnished by an MD or DO; (2) are performed by a person who meets the definition of an advanced practice registered nurse or physician assistant; (3) are performed under the supervision of a Physician (for physician assistants only) or are performed in “collaboration” with a Physician (for NPs and CNSs only); (4) the practitioner is legally authorized to perform the services in the state in which they are performed; and (5) are not otherwise non-covered.

H. “Operations Counsel” means, in the case of a hospital, its Regional Counsel responsible for hospital legal operations; in the case of a Physician organization, its Tenet Physician Resources (“TPR”) Counsel responsible for Physician practice legal operations; and in the case of a non-hospital outpatient facility, its assigned Counsel responsible for outpatient facility legal operations.

IV. POLICY:

A Tenet Hospital shall only Engage an NPP to perform services for purposes of enhancing the efficiency of patient care services. NPPs Engaged by a Tenet Hospital shall not perform any service for which a Physician is responsible pursuant to the Bylaws, Rules and Regulations or policies of the Medical Staff or for which, in whole or in part, any Physician receives payment. Other entities shall not Engage NPPs on behalf of Tenet Hospitals for the general provision of patient care services in the hospital setting. Tenet Physician Resources (TPR) may engage non-Tenet Hospital NPPs to provide NPP Professional Services to TPR employed physician patients. Independent Physicians may also engage non-Tenet Hospital NPPs to provide medical care to their respective patients at a Tenet Hospital in accordance with Hospital policies.

V. PROCEDURE:

A. General Considerations

1. Non-Physician Practitioners delivering services at a Tenet Hospital must hold all appropriate licenses and certifications to practice their profession in the State and shall be authorized to perform a defined scope of services by the Hospital’s medical staff. The Tenet Hospital’s Chief Nursing Officer shall make recommendations to the medical staff regarding the qualifications and performance of each NPP.

2. If required by the laws of the State in which the Tenet Hospital operates, each NPP shall maintain on file with the Human Resources Department a copy of an agreement with all supervising physicians holding appropriate
privileges at the Hospital who will be responsible for directing the practice of the NPP.

3. Each NPP Engaged by a Tenet Hospital shall fulfill the roles and responsibilities outlined in a job description or services agreement and shall not assume additional responsibilities without approval of the Chief Nursing Officer.

4. A Tenet Hospital may Engage a NPP in furtherance of delivery of patient services on a service line basis and shall be made available to all interested physicians in the service line on the same terms and conditions. Under no circumstances shall a Tenet Hospital Engage a NPP to support a particular physician, except where the physician is the sole physician privileged to provide medical services in the service line.

5. Each patient’s attending or consulting Physician shall remain primarily responsible for the care prescribed for his or her patients at the Hospital. Physicians are required to respond to requests for personal attendance as appropriate to the condition of each patient and to personally see inpatients at least daily during their admission.

6. Physicians shall not submit a claim for payment to any patient or third party payor for services provided in whole or in part by a NPP and shall independently document their patient care services, impressions and plans without reliance on the documentation of a NPP.

7. Except as may be approved by Operations Counsel after review of the proposed role of the NPP and the available alternatives, a Tenet Hospital shall not contract with a member of Hospital’s medical staff to provide NPP services at the Hospital, including without limitation, anesthetist services, in-house patient monitoring and surgical first assistant services for the cases performed by the member or other members of the member’s group medical practice or at the member’s or group medical practice’s office or any other location.

B. Hospital Services

1. A Non-Physician Provider may be Engaged to provide services solely in support of Hospital Services. Such services may include implementation of protocols approved by the medical staff in accordance with Hospital policy, patient education, and monitoring compliance with clinical measures and overseeing performance of orders to assure timely care.

2. The costs of the NPP providing services to Hospital inpatients which are solely in support of Hospital services may be included on the Hospital’s Medicare Cost Report.
### Law Department Policy

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1. **NPP Professional Services**

   **a.** Except for those services described in subsections C.2., 3., 4. and 5. below, any proposal to Engage NPPs to perform professional services in a Tenet Hospital shall be approved by Operations Counsel prior to initiation and upon any change in the services to be provided by the NPPs.

   **b.** Subject to limitations that may be imposed by a Tenet Hospital or a supervising Physician and except as provided for surgeons in section V.C.1.c. below, a NPP may perform the following NPP Professional Services for non-surgical patients:

   1. Preliminary history and physical exam
   2. Daily patient visits for routine follow-up
   3. Initial nursing and/or medical diagnoses for acute and chronic health care problems to be accompanied by physician consult
   4. Ordering and interpreting laboratory and diagnostic tests
   5. Prescribing treatments, including medications, within the scope of delegated prescriptive authority
   6. Medication reconciliation
   7. Preparation of preliminary discharge summary

   **c.** Because surgeons are paid for their services in a manner that includes pre-surgical evaluation, the surgical procedure and post-surgical management, the scope of services that a NPP Engaged by a Tenet Hospital may perform for surgical patients is limited to the following:

   1. Preliminary history and physical exam
   2. Daily patient visits for routine follow-up
   3. Ordering and interpreting laboratory and diagnostic tests
   4. Prescribing treatments, including medications, within the scope of delegated prescriptive authority
A NPP may not assume responsibility for evaluating the patient in the post anesthesia recovery unit.

d. Each Physician who elects to have a Tenet Hospital’s Engaged NPP provide NPP Professional Services for his or her patients shall complete an acknowledgement in a form approved by Operations Counsel which shall include an acknowledgement of the prohibition on billing for any of the services or documentation performed by a NPP Engaged by the Tenet Hospital.

e. Notwithstanding any other provision in this policy, a NPP may provide NPP Professional Services to any patient in a Tenet Hospital in an urgent situation, prior to the availability of a responding physician.


a. A Tenet Hospital may Engage a NPP to provide services as a certified registered nurse anesthetist to perform services at the facility.

b. The costs of the NPP providing anesthesia services to Hospital inpatients are included on the Hospital’s Medicare Cost Report and will not be separately billed by the Hospital.

3. Surgical First Assistant Services.

a. A Tenet Hospital may Engage a NPP to provide services as a surgical first assistant, which shall be limited to care of the patient in the operating room.

b. A NPP may provide services as an employee, in which event any reimbursement for professional services shall be assigned to the Hospital, or as an independent contractor. A NPP may not seek to provide services as an employee and an independent contractor, depending on the nature of the procedure or the payor responsible for reimbursement of the patient’s care.

c. When a NPP provides services which are more than ancillary to the surgical service, the NPP services may be considered covered services by some payors. The Tenet Hospital may elect whether to bill for the services.
   a. A Tenet Hospital may Engage a NPP to provide services as a certified nurse midwife.
   b. A NPP may be assigned to evaluate patients presenting to the Emergency Department to determine whether they have an Emergency Medical Condition and, for patients who do not have a current relationship with an obstetrician on the Hospital’s medical staff, to assume responsibility for supervising the labor and delivery of the patient, within the capabilities of the NPP.
   c. A NPP may act as a laborist at a Tenet Hospital, provided that there is an agreement in place with each obstetrician whose patients will be served by the NPP to assure that the Hospital receives adequate compensation for the NPP’s professional services.
   d. In the event that NPP is engaged as a midwife by a Tenet Hospital, the role of the NPP shall be considered in any determination of the need for physician on-call services in Obstetrics and Gynecology and in the valuation of such physician services.
   e. When a NPP provides midwife services, the NPP services may be considered covered services by some payors. The Tenet Hospital shall bill for the NPP services.

5. Clinic Coverage
   a. A Tenet Hospital may Engage a NPP to provide NPP Professional Services to patients of a hospital-based clinic as an alternative to Physician coverage.
   b. When a NPP provides clinic coverage services, the NPP services may be considered covered services by some payors. The Tenet Hospital shall bill for the NPP services.

D. Responsible Person

The Tenet Hospital Chief Nursing Officer is responsible for ensuring that all personnel adhere to the requirements of this policy, that these procedures are implemented and followed, and that instances of noncompliance with this policy are reported to the responsible Compliance Officer.
E. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.